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§ 1401-03. Definitions.

For purposes of the Cincinnati Zoning Code, words and phrases defined in this chapter have the meanings ascribed to them; additional definitions are particular chapters of the Code.

§ 1401-03-A. Abandonment.

"Abandonment" means the relinquishment of a building or land, or a cessation of the use of the property, in whole or in part, by any lawful nonconforming use for a period of two years.

§ 1401-03-A1. Abutting or Adjoining.

"Abutting" or "adjoining" means having district boundaries or lot lines in common.

§ 1401-03-A2. Accessory Structure.

"Accessory structure" means a structure, other than a sign, associated with, a specified principal structure located more than one foot from the principal structure.

§ 1401-03-A3. Accessory Use.

"Accessory use" means use or structure subordinate to the principal use of a building or use of land and is located on the same lot as the principal building or use of land except as otherwise specified.

§ 1401-03-A4. Alley.

"Alley" means a public or private way, less than 21 feet in width, that may provide vehicular access to abutting properties.

§ 1401-03-A5. Alteration.

"Alteration" means a change in either the supporting members of a building, such as bearing walls, columns, beams and girders or in the dimensions or configuration of the roof or exterior walls.

§ 1401-03-A6. Ambulance Services.

"Ambulance services" means administrative facilities for emergency medical care, including the provision of transportation services and the maintenance of vehicles.

§ 1401-03-A7. Animal Services.

"Animal services" means the boarding, grooming or medical care for small animals for no more than 30 days. This classification does not include dog walking and similar pet care services that are not carried out at a fixed location.

§ 1401-03-A8. Antenna.

"Antenna" means a system of poles, panels, rods, or similar devices used for the transmission or reception of radio frequency signals.

§ 1401-03-A9. Architectural Element.

"Architectural element" means a prominent or significant part or detail of a building, structure or site.

§ 1401-03-A10. Arterial Street.

"Arterial street" means a roadway primarily for through traffic, usually on a continuous route, not having access control. This term includes both principal arterial and minor arterial streets as classified by the Department of Transportation and Engineering.

§ 1401-03-A11. Assisted Living.

"Assisted living" means an institution, residence, or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, but that is not licensed to provide skilled nursing care.

§ 1401-03-A12. Attached Single-Family Dwelling.

"Attached single-family dwelling" means a dwelling unit that is attached to one or more dwelling units, each with independent exterior access and each with no less than two exterior walls. Attached single-family dwellings include cluster housing.

§ 1401-03-A13. Automobile Holding Facility.

"Automotive holding facility" means a building or ground area used for the parking of vehicles needing mechanical, body or chassis repair being vehicles not owned by the person who towed the vehicle or the person who will make the repairs and not involving the removing of parts, accessories, equipment or sections or portions thereof for sale to others or the keeping, buying or selling of junked, wrecked, scrapped, ruined or dismantled motor vehicles.

§ 1401-03-B. Bank and Financial Institution.

"Bank" and "financial institution" means an establishment that provide retail banking, credit and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, brokerage firms,

check cashing and currency exchange outlets, stand-alone automated teller machines.

§ 1401-03-B1. Barge Terminal.

“Barge terminal” means facilities for launching, mooring, docking, loading, unloading and servicing river barges, including backup land for storage and transshipment.

§ 1401-03-B2. Basement.

“Basement” means the portion of a building below or immediately above grade and not used for habitation, except that in any building a basement may be used for habitation if one wall of the basement is entirely above ground and each dwelling unit in the basement abuts that wall for at least 12 feet.

§ 1401-03-B3. Bed and Breakfast Home.

“Bed and breakfast home” means an owner-occupied dwelling licensed as a rooming house, pursuant to Chapter 855 of the Cincinnati Municipal Code, of no more than three guest rooms providing lodging and breakfast accommodations to paying guests and a maximum stay of no more than four consecutive weeks. Kitchen facilities are not provided for use by guests.

§ 1401-03-B4. Bed and Breakfast Inn.

“Bread and breakfast inn” means an establishment licensed, pursuant to Chapter 855 of the Cincinnati Municipal Code, of no more than five guest rooms providing lodging and meal accommodations to paying guests and a maximum stay of no more than four consecutive weeks. Kitchen facilities are not provided for use by guests.

§ 1401-03-B5. Berm.

“Berm” means s mound or embankment of earth, together with necessary retaining structures, if required.

§ 1401-03-B6. Boat and Ship Yard.

“Boat and ship yard” means a facility for construction of recreational marine craft in enclosed structures, boat storage, boat repair yards and ship yards for the construction, repairing and servicing of commercial vessels including two boats, barges and ferries.

§ 1401-03-B7. Breezeway.

"Breezeway" means a roofed, passageway connecting two structures, an example is a passageway between a house and a garage.

§ 1401-03-B8. Buffer Yard.

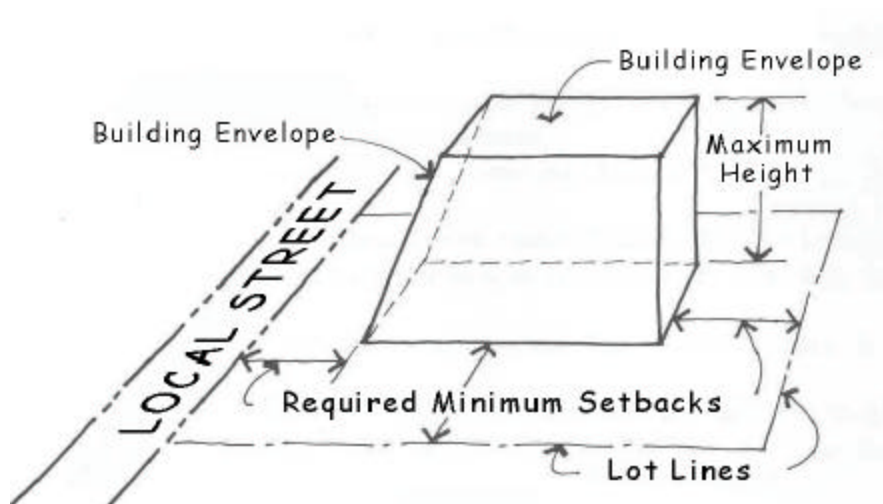
"Buffer yard" means an open space, landscaped area, fence, wall, berm or any combination thereof used to physically separate potentially incompatible land uses on adjoining lots.

§ 1401-03-B9. Building.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind and excluding any structure designed as a house-trailer or other type trailer.

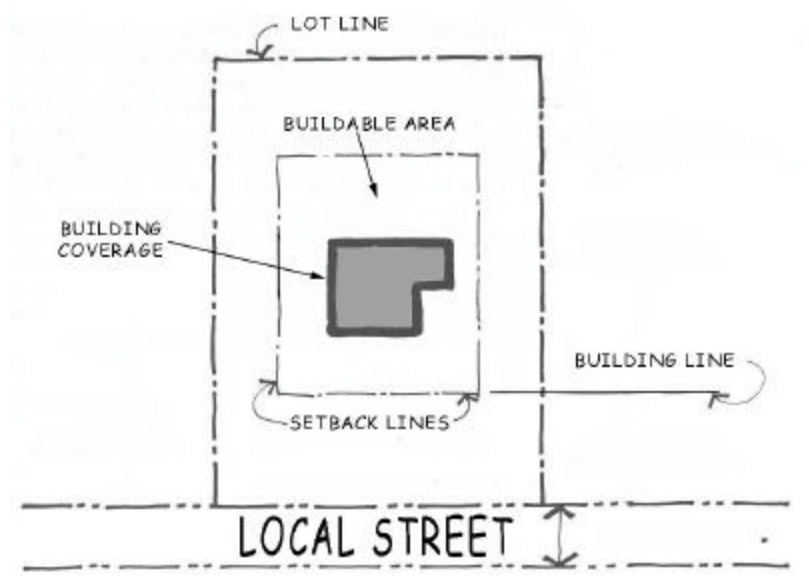
§ 1401-03-B10. Building Envelope.

"Building envelope" means the volume of space for which a principal building could be extended in compliance with the minimum setbacks and the maximum allowable building height.



§ 1401-03-B11. Building Line.

“Building line” means a line parallel to the street right-of-way line at any story level of a building and representing the distance that all or any part of the building is set back from the right-of-way line.



§ 1401-03-B12. Building Maintenance Service.

“Building maintenance service” means an establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging and sign painting.

§ 1401-03-B13. Building Materials Sales and Service.

“Building materials sales and service” means retailing, wholesaling, or rental of building supplies or construction equipment. This classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments.

§ 1401-03-B14. Business Service.

“Business service” means an establishment providing document delivery, mail receiving and boxes, blueprinting, typesetting, copying, desktop publishing and photographic services.

§ 1401-03-C. Car Wash.

“Car wash” means the washing, waxing, or cleaning of automobiles or similar light vehicles.

§ 1401-03-C1. Cemetery.

“Cemetery” means a burial ground for the interment of the human dead, including columbaria and mausoleums, but excluding crematories or mortuaries classified as Undertaking, funeral and interment services.

§ 1401-03-C2. Child Day Care Home.

“Child care day home” means an establishment located in a dwelling unit where an occupant of the residence provides care and supervision for six or fewer children.

§ 1401-03-C3. Club and Lodge.

“Club” and “lodge” mean a meeting, recreational, or social facility of a private or nonprofit organization or public institution primarily for use by members or guests including residential accommodations that are available to members or guests on a temporary basis but excluding residential hotels. This classification includes union halls and social clubs.

§ 1401-03-C4. Collector Street.

“Collector street” means a street that serves as a traffic way for a neighborhood or a feeder to an arterial street.

§ 1401-03-C5. College.

“College” means an institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.

§ 1401-03-C6. Collocation.

“Collocation” means that more than one wireless communications provider mounts equipment on a single support structure.

§ 1401-03-C7. Commercial Meeting Facility.

“Commercial meeting facility” means a facility used for assemblies or meetings of the members or representatives of a group, such as convention centers and banquet

halls. This classification does not include clubs, lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

§ 1401-03-C8. Commercial Pier and Port.

“Commercial pier” and “commercial port” means a facility for launching, mooring, docking and servicing commercial watercraft, ferry boats and excursion boats, including passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, etc. Services provided may include food, lodging, goods, beverages, entertainment as an accessory, sanitary servicing, maintenance and repair to watercraft in and out of the water, as well as the sale of fuel and other provisions. This classification also includes commercial boat ramps, marine railways, wharves and fishing piers.

§ 1401-03-C9. Commissary.

“Commissary” means a small shop selling food, dairy, drug and other household or convenience items including video rental.

§ 1401-03-C10. Communications Facility.

“Communications facility” means broadcasting and other communication services accomplished through electronic mechanisms. This classification includes radio, television, or recording studios, switching centers and cable transmitting stations.

§ 1401-03-C11. Communications-Related Equipment.

“Communications-related equipment means equipment ancillary to the transmissions and reception of voice and data via radio frequencies.

§ 1401-03-C12. Community Correctional Facility.

“Community corrections facility” means a facility comprised of one or more buildings designed for total occupancy by no more than 150 persons who live under criminal justice supervision and constraint while receiving therapy and counseling under alternatives to imprisonment, including, but not limited to, re-release, work-release and probationary programs.

§ 1401-03-C13. Community Service Facility.

“Community service facility” means a noncommercial facility established primarily for the benefit and service of the populations of the communities in which they are located, such as YMCA or YWCA facilities, boys and girls clubs and offices of community councils, non-profit civic, religious, welfare or philanthropic organizations.

§ 1401-03-C14. Conditional Use.

"Conditional use" means a use generally compatible with other uses in a zoning district. The use requires individual review of its location, design, configuration and density and intensity and may require imposition of conditions to ensure the appropriateness of the use at a particular location.

§ 1401-03-C15. Contractor's Storage.

"Contractor's storage" means a yard for storage of a building or construction Contractor's materials or equipment.

§ 1401-03-C16. Corner Lot.

"Corner lot" means a lot bounded on two or more adjacent sides by streets, or by portions of such streets, having an angle of intersection 135 degrees or less.

§ 1401-03-C17. Correctional Facility.

"Corrections facility" means a facility where persons are detained pending adjudication or confined under sentences of two years or less provided that the facility is operated by a Hamilton County law enforcement agency or under contract with the Board of County Commissioners of Hamilton County.

§ 1401-03-C18. Covenant.

"Covenant" means a legal agreement between the property owner and the City of Cincinnati concerning the use of land and compliance with the Cincinnati Zoning Code binding on the owner and the owner's successors and assigns. See § 1441-07.

§ 1401-03-C19. Cultural Institution.

"Cultural institution" means a nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, libraries, aquariums and observatories.

§ 1401-03-D. Day Care Center.

"Day care center" means an establishment licensed by the State of Ohio providing care and supervision for seven or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults and any other day care facility licensed by the State of Ohio.

§ 1401-03-D1. Decision.

“Decision” means a discretionary action by a decision-making body.

§ 1401-03-D2. Decision-Making Body.

“Decision-making body” means an individual, officer, board or commission representing the City authorized to decide an application.

§ 1401-03-D3. Demolition.

“Demolition” means an act or process that destroys a structure in whole or in part.

§ 1401-03-D4. Density.

“Density” means the number of dwelling units for every unit of land.

§ 1401-03-D5. Developmental Disability Dwelling.

“Developmental disability dwelling” means an establishment licensed by the State of Ohio that is located in a single-family residence and provides accommodation, personal care, habilitation services and supervision in a family setting for not more than eight residents with developmental disabilities and employees caring for such residents.

§ 1401-03-D6. District.

“District” means a portion of the City within which the use of land and structures and the location, height and bulk of structures are governed by this ordinance.

§ 1401-03-D7. Double-Frontage Lot.

“Double-frontage lot” means an interior lot having frontage on more than one street. Each frontage from which access is permitted is be deemed a front lot line.

§ 1401-03-D8. Drinking Establishment.

See § 1401-03-E1.

§ 1401-03-D9. Drive Box.

“Drive box” means an enclosable container temporary in nature for receiving recyclable or reusable material.

§ 1401-03-D10. Dwelling Unit.

"Dwelling unit" means one or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes.

§ 1401-03-E. Easement.

"Easement" means a grant of one or more property rights for a designated portion of land by the property owner to the public, a corporation, person or other entity.

§ 1401-03-E1. Eating and Drinking Establishment.

"Eating and drinking establishment" means a business that is primarily engaged in serving prepared food or beverages for consumption on or off the premises. It includes the following:

- (a) ***Drinking Establishments.*** Bars, nightclubs, lounges or dance halls serving beverages for consumption on the premises as a primary use and including on-site service of alcohol, including beer, wine and mixed drinks.
- (b) ***Restaurants, full service.*** Restaurants providing food and beverage services to patrons who order and are served while seated (table service) and pay after eating. Takeout service may be provided.
- (c) ***Restaurants, limited.*** Restaurants providing food and beverage services to patrons who order and pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. Table service is not provided. This classification includes cafeterias, cafes, fast-food outlets, pizza delivery, snack bars and takeout eating places.

§ 1401-03-E2. Establishment.

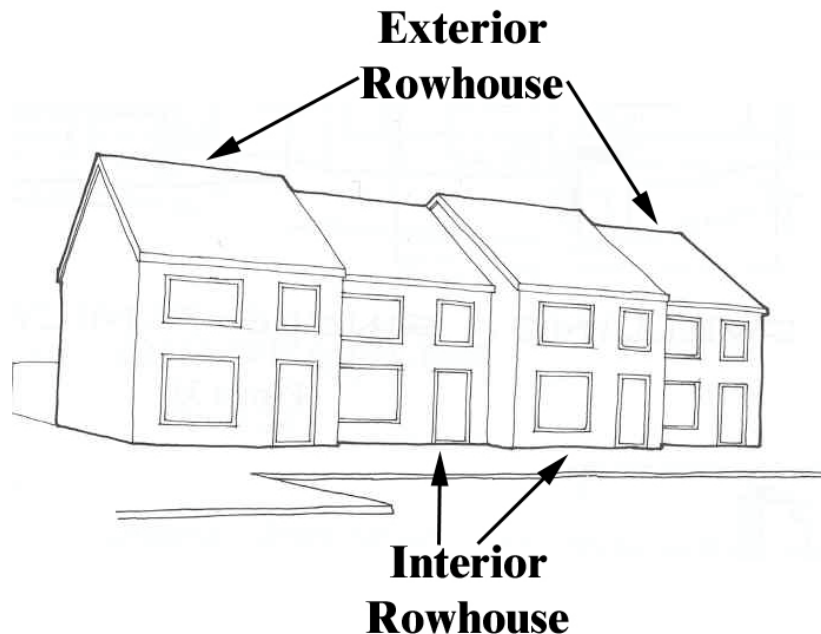
"Establishment" means a lot or building, or a part thereof, where a use occurs.

§ 1401-03-E3. Extension.

"Extension" means an increase in the amount of the existing floor area.

§ 1401-03-E4. Exterior Rowhouse Lot.

"Exterior rowhouse" means a lot that is or is intended to be a site for a single-family rowhouse with a similar rowhouse attached on only one side.



§ 1401-03-F. Facade, Building.

"Building facade" means the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

§ 1401-03-F1. Facility.

"Facility" means a structure, open area, or part thereof.

§ 1401-03-F2. Family.

"Family" means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group residential use. As applied in the SF District use regulations "family" includes:

- (a) Up to four persons unrelated to each other by blood, marriage or legal adoption, living together as a single housekeeping unit; or

- (b) Up to eight persons, other than foster parents and employees, living together in a foster home approved and regulated by the State of Ohio.

§ 1401-03-F3. Farming.

“Farming” means the raising of tree, vine, field, forage and other plant crops, intended to provide food or fibers, as well as the keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. This classification also includes the keeping of fowl, small animals, horses, cows and other livestock not primarily for gain and only within an enclosure.

§ 1401-03-F4. Fence.

“Fence” means a barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard or open space. It includes a wall, gate, or other structure used as a fence.

§ 1401-03-F5. Floor Area.

“Floor area” means inside surface measured to the outside walls in a defined space.

§ 1401-03-F6. Floor Area Ratio (FAR).

“Floor area ratio” means the total floor area of a building divided by total lot area, but exclusive of such floor area as may be used for parking facilities within the principal building and exclusive of such floor area as may be used for incidental service storage, installations of mechanical equipment, housing ventilators and heating systems and similar uses and the space used in common for recreational purposes by tenants and their guests where such facilities are not a part of an individual dwelling unit.

§ 1401-03-F7. Food Market.

“Food market” means an establishment for retail sales of food and beverages for offsite preparation and consumption. Typical uses include supermarkets, specialty food stores, delicatessens, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk

§ 1401-03-F8. Food Preparation.

“Food preparation” means a business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.

§ 1401-03-F9. Front Lot Line.

“Front lot line” means a lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line; provided that, where the length of a shorter street line is less than 90 percent of the length of the longer street line, the shorter street line is considered as the front lot line.

§ 1401-03-F10. Front Yard.

“Front yard” means the area of a lot extending across the full width of the lot and measured between the building line and the front lot line.

§ 1401-03-F11. Frontage, Street.

“Street frontage” means that sides of a lot abutting a street.

§ 1401-03-F12. Fuel Sales.

“Fuel sales” means the retail sale of gasoline, diesel and kerosene fuels.

§ 1401-03-F13. Funeral and Interment Service.

“Funeral” and “interment service” means an establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, crematories, mortuaries, or columbaria.

§ 1401-03-G. Garden Supply Store and Nursery.

“Garden supply store” and “nursery” mean an establishment engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment.

§ 1401-03-G1. Government Facility and Office.

“ Government facility and office” include the following:

- (a) ***Facilities and installations.*** Major mail processing centers, military installations, vehicle emissions testing facilities and other similar facilities.
- (b) ***Correctional institutions.*** Community correctional facilities, correctional facilities or juvenile detention facilities.

- (c) **Offices.** Administrative, clerical, or public contact offices of a government agency, together with incidental storage and maintenance of vehicles, including post offices.

§ 1401-03-G2. Grade, Existing.

"Existing grade" means the elevation of the ground level or pavement at a stated location as it exists prior to disturbance in preparation for a development.

§ 1401-03-G3. Grade, Finished.

"Finished grade" means the final elevation of the ground level after completion of the development.

§ 1401-03-G4. Group Residential.

"Group residential" includes shared living quarters such as rooming houses, shared housing for the elderly, monasteries, convents, dormitories, sororities, fraternities, patients' family homes and private residential clubs. This classification excludes bed and breakfast homes and inns.

§ 1401-03-H. Height.

"Height" means the vertical dimension measured from finished grade, unless otherwise specified.

§ 1401-03-H1. Height, Building.

"Building height" means the vertical distance from the average finished grade around the entire perimeter of the building to the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the mid-height of a pitched or hipped roof.

§ 1401-03-H2. Home Occupation.

"Home occupation" means an accessory activity of a nonresidential nature that is performed within a dwelling unit by the occupant of the unit.

§ 1401-03-H3. Hospital.

"Hospital" means a State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for in-patient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.

§ 1401-03-H4. Hotel.

"Hotel" means a facility with six or more guest rooms or suites designed for transient habitation, where access to individual units is predominantly through a common lobby that may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended stay hotels and tourist courts, but does not include rooming houses, boarding houses or residential hotels that are used, designed, or intended to be used for sleeping for a period of 30 consecutive days or longer.

§ 1401-03-I. Illegal Use.

"Illegal use" means an activity or facility that is not a legal conforming or legal nonconforming use.

§ 1401-03-I1. Incidental.

"Incidental" means subordinate and minor in significance and bearing a reasonable relationship with the primary use.

§ 1401-03-I2. Indoor Storage.

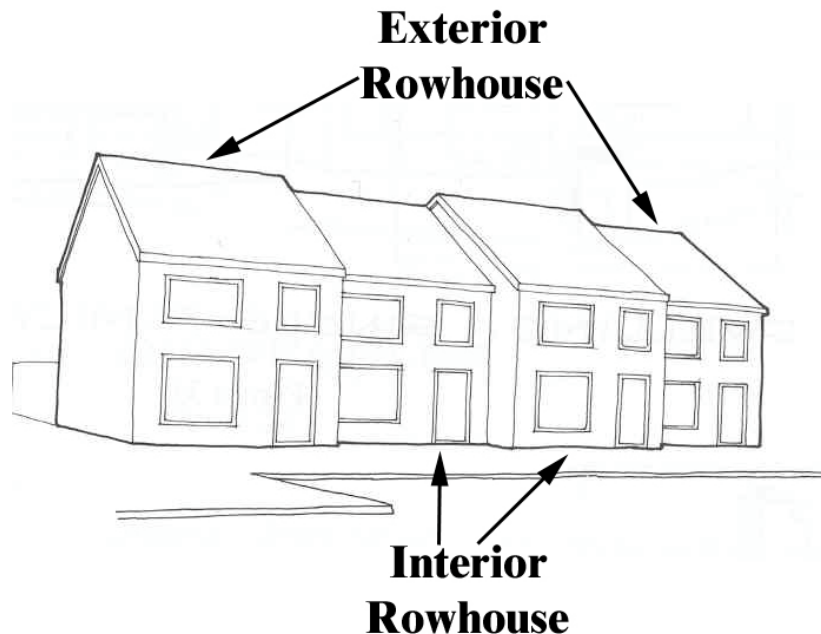
"Indoor storage" means a facility for the keeping of business, personal property and office records, including mini warehouses.

§ 1401-03-I3. Interior Lot.

"Interior lot" means a lot other than a corner lot.

§ 1401-03-I4. Interior Rowhouse Lot.

"Interior rowhouse lot" means a lot that is or is intended to be a site for a rowhouse single-family with a similar rowhouse attached on each side.



§ 1401-03-I5. Interior Side Lot Line.

"Interior side lot line" means a side lot line not abutting a street.

§ 1401-03-J. Juvenile Detention Facility.

"Juvenile detention facility" means a facility operated as a place for juvenile detention under the jurisdiction of the Court of Common Pleas, Juvenile Division of Hamilton County, for children alleged or adjudicated as delinquent, unruly, dependent, neglected, abused or juvenile traffic offenders.

§ 1401-03-K. Kitchen.

"Kitchen" means a room or part of a room that is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

§ 1401-03-L. Laboratory, Commercial.

“Commercial laboratory” means a facility for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and scientific research facilities.

§ 1401-03-L1. Landline Communications.

“Landline communications” means a system for the transmission of information by wire or fiber.

§ 1401-03-L2. Limited Use.

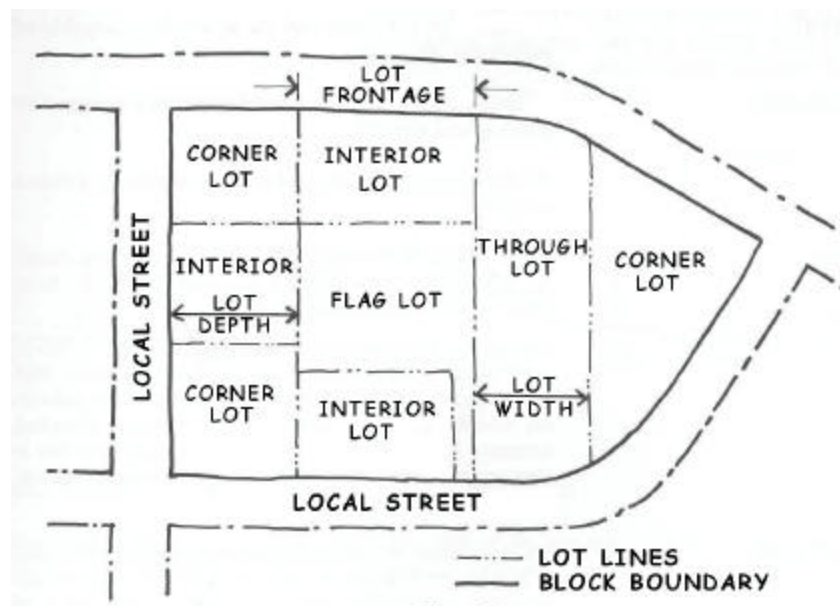
“Limited use” means a use allowed in a zoning district subject to specific limitations and the restrictions applicable to that zoning district.

§ 1401-03-L3. Loft Dwelling Unit.

“Loft dwelling unit” means a dwelling unit, established in an existing non-residential buildings.

§ 1401-03-L4. Lot.

“Lot” means a parcel of land occupied or capable of being occupied by a use, building, or group of buildings and accessory buildings and uses, together with such open spaces as are required by this code and having frontage on a street.

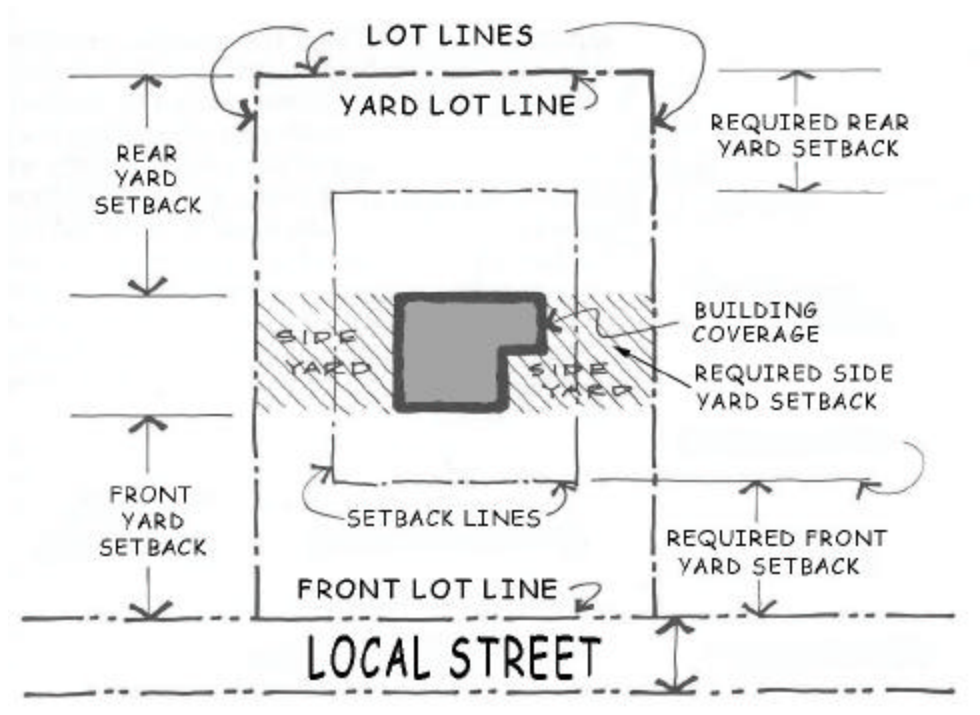


§ 1401-03-L5. Lot Area.

"Lot area" means the computed area contained within the lot line.

§ 1401-03-L6. Lot Line.

"Lot line" the boundary enclosing a lot.



§ 1401-03-L7. Lot of Record.

"Lot of record" means a parcel of land that is in existence as of the effective date of this Zoning Code or any amendment thereto or was shown on a preliminary plan of a subdivision approved by the City Planning Commission.

§ 1401-03-M. Maintenance and Repair Service.

"Maintenance and repair service" means an establishment providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture and leather goods. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

§ 1401-03-M1. Marina.

"Marina" means a facility for launching, mooring, berthing, storing or securing watercraft for primarily recreational use. A marina provides services to recreational

watercraft and occupants thereof, including sanitary and other minor servicing and repair to watercraft while in the water and the sale of fuel and supplies. A marina may provide food, lodging, goods, beverages, recreation and entertainment as accessory uses. This classification includes public docks, yacht clubs, boat clubs and boatels.

§ 1401-03-M2. Marine Sales and Service.

"Marine sales and service" means an establishment engaged in the sale and service of marine equipment, boats and recreational watercraft and accessory parts and supplies.

§ 1401-03-M3. Medical Services and Clinic.

"Medical services" and "medical clinic" means an office for physicians, dentists, or chiropractors, as well as medical and dental laboratories incidental to the medical office use. This includes clinics or health centers providing diagnosis or care of sick or injured persons but are not provided with room and board and are not kept overnight on the premises.

§ 1401-03-M4. Metal Waste Salvage Yard, Junk Yard.

"Metal waste salvage yard" and "junk yard" mean an establishment for the storage and dismantling of vehicles and equipment for sale of parts, as well as the collection, storage, exchange or sale of goods including, but not limited to, any used building material, used containers or steel drums and similar or related articles or property.

§ 1401-03-M5. Mining and Quarrying.

"Mining" and "quarrying" mean the extraction of metallic and nonmetallic minerals, including sand and gravel pit operations.

§ 1401-03-M6. Mixed Use.

"Mixed use" means a building or lot containing residential and commercial or industrial uses.

§ 1401-03-M7. Multi-Family Dwelling.

"Multi-family dwelling" means a building or group of buildings that contain three or more dwelling units.

§ 1401-03-N. Noncomplying Structure.

“Noncomplying structure” means a structure that was lawfully erected but that does not comply with the currently applicable requirements and standards prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this ordinance. § 1401-03-N1. Nonconforming Use.

“Nonconforming use” means a use of a structure or land that was lawfully established and maintained, but that does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this Code.

§ 1401-03-N2. Nursing Home.

“Nursing home” means an institution, residence, or facility licensed by the State of Ohio that provides accommodation, personal assistance and skilled nursing care to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment.

§ 1401-03-O. Office.

“Office” means a facility for a firm or organization that primarily provides professional, executive, management, or administrative services, such as accounting, advertising, architectural, city planning, computer software consulting, data management, engineering, environmental analysis, insurance, interior design, investment, graphic design, landscape design, law and real estate offices, drafting and recording studios. It excludes banks and savings and loan associations and offices that are incidental to retail, production, storage, or other activities.

§ 1401-03-O1. Off-Street Loading.

“Off-street loading” means an off-street space for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

§ 1401-03-O2. Oil and Gas Storage.

“Oil and gas storage” means a tank farm or outdoor facility for the storage of oil and gas.

§ 1401-03-O3. Opacity.

“Opacity” means the measurement of the screening effectiveness.

§ 1401-03-O4. Open Space, Common and Private.

"Open space" means the yard or the area between two buildings or between a building and the boundary line of a parcel.

"Common open space" means an open area within a development reserved for the exclusive use for occupants of the development and their guests.

"Private open space" means an open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

§ 1401-03-O5. Ordinary Repair and Maintenance.

"Ordinary repair and maintenance" means any work where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

§ 1401-03-O6. Outdoor Storage.

"Outdoor storage" means the keeping of commercial goods, equipment and raw materials in an open lot.

§ 1401-03-P. Panhandle Lot.

"Panhandle lot" means a lot whereon the portion of the lot between the building site and its frontage on a street is more than 60 feet in length and less than 30 feet in width at a point.

§ 1401-03-P1. Parabolic Antenna.

"Parabolic antenna" means a bowl-shaped device also known as a dish antenna for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

§ 1401-03-P2. Parking Facility.

Parking lots and parking garages offering parking to the public when such use is not accessory to another land use.

§ 1401-03-P3. Parking Garage.

“Parking garage” means a multi-level structure built either above or below grade providing off-street parking for motorized vehicles.



§ 1401-03-P4. Parking Lot.

“Parking lot” means a surface lot that provides off-street parking for motorized vehicles, other than an automobile holding facility.

§ 1401-03-P5. Parking Space.

“Parking space” means a permanently surfaced area in a parking facility for the parking of a motor vehicle.

§ 1401-03-P6. Parking Space, Tandem.

“Tandem parking space” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space that can only be accessed by driving across another space is called a dependent parking space. A space that can be accessed without driving across another space is called an independent parking space.

§ 1401-03-P7. Park and Recreation Facility.

“Park” and “recreation facility” means a park, playground, recreation facility and open space. This classification includes community centers, playing fields, courts, gymnasiums, swimming pools, picnic facilities, golf courses and country clubs, zoos and botanical gardens, as well as related food concessions.

§ 1401-03-P8. Permanent Residential.

The occupancy of longer term living accommodations, but excluding group residential living arrangements.

§ 1401-03-P9. Permitted Use.

"Permitted use" means a use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

§ 1401-03-P10. Personal Instructional Service.

"Personal instruction service" means the provision of instructional services including: tutoring, photography, fine arts, crafts, dance or music studios, driving schools, diet centers, reducing salons, martial arts, yoga and workout studios, with incidental retail sales.

§ 1401-03-P11. Personal Service.

"Personal service" means the provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy, electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries, photographic studios and the like.

§ 1401-03-P12. Planned Development.

"Planned development" means a large, integrated development adhering to a comprehensive site plan and located on a single site.

§ 1401-03-P13. Porch.

"Porch" means a platform having a separate roof at an entrance to a dwelling that is considered a part of the building for setback purposes.

§ 1401-03-P14. Preexisting.

"Preexisting" means in existence prior to the effective date of this zoning code or amendments thereto (as in nonconforming use).

§ 1401-03-P15. Principal Structure.

"Principal structure" means a building or other facility that is designed for or occupied by a principal use.

§ 1401-03-P16. Principal Use.

"Principal use" means a use that is the primary function of land or structures.

§ 1401-03-P17. Production Industry.

"Production industry" means a facility that is engaged in the following:

- (a) **Artisan.** Establishments primarily engaged in onsite production of goods by hand manufacturing, involving the use of hand tools and small-scale equipment.
- (b) **General.** Manufacturing of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes: beverage and tobacco product manufacturing; textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- (c) **Intensive high impact.** Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.
- (d) **Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials. This classification includes: printing and related support activities; machinery manufacturing, food manufacturing, computer and electronic product manufacturing; electrical equipment, appliance, component manufacturing, furniture and related product manufacturing; and miscellaneous.

§ 1401-03-P18. Public Maintenance Facility.

"Public maintenance facility" means a facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes construction yards, equipment service centers and similar facilities.

§ 1401-03-P19. Public Safety Facility.

“Public safety facility” means a facility for public safety and emergency services, including police and fire protection, and police and fire training facilities.

§ 1401-03-P20. Public Use.

“Public use” means a use owned or operated by a public agency.

§ 1401-03-P21. Public Utility Distribution System.

“Public utility distribution system” means a facility for the distribution of gas, electricity, water, steam, hot water, chilled water and landline communications.

§ 1401-03-P22. Public Utility Maintenance Yard.

“Public utility maintenance system” means a building, other structure, or open area used by a public utility for the storage, maintenance or repair of materials and equipment or vehicle parking.

§ 1401-03-P23. Public Utility Plant.

“Public utility plant” means a building or other structure for water supply or wastewater treatment or the production of electricity, steam, hot water, or chilled water, for consumption by the general public.

§ 1401-03-R. Rear Lot Line.

“Rear lot line” means a lot line opposite the front lot line. In the case of an irregular, or triangular lot, it means a line within the lot, ten feet long, parallel to and at the maximum distance from the front lot line.

§ 1401-03-R1. Rear Yard.

“Rear yard” means the area of a lot extending across the full width of the lot and measured between the building and the rear lot line.

§ 1401-03-R2. Recreation and Entertainment.

“Recreation and Entertainment” means the provision of recreation or entertainment to paying participants or spectators. Recreation and entertainment uses may be either:

- (a) ***Outdoor or large-scale recreation and entertainment.*** This classification includes large, generally outdoor facilities, including: sports stadiums and arenas; amusement and theme parks; racetracks;

driving ranges; swimming or wave pools; entertainment complexes; movie theaters (4 or more screens); drive-in theaters; archery or shooting ranges; riding stables; campgrounds; recreational vehicle parks; etc.

- (b) ***Indoor or small-scale recreation and entertainment.*** This classification includes small, generally indoor facilities, although some facilities may be outdoor, including: fitness centers, gymnasiums, handball, racquetball or tennis club facilities, ice or roller skating rinks, movie theaters (three or fewer screens); bingo parlors, billiard parlors, bowling centers, poolrooms, miniature golf courses and amusement arcades.

§ 1401-03-R3. Recreational Vehicle.

"Recreational vehicle" means a mobile vehicle, either self-propelled or towed, that is used for temporary periods of human habitation.

§ 1401-03-R4. Recreational Vehicle Park.

"Recreational vehicle park" means a site or tract of land with a minimum of five acres on which two or more recreational vehicles or tents are parked or erected and including any roadway, drainage sewer system, water supply or electric system used or intended for use as a part of the facilities of such recreational vehicle park and as regulated by the Board of Health of Cincinnati. Such facility may not be used for the sale and or servicing of recreational vehicles.

§ 1401-03-R5. Recycling Container.

"Recycling container" means a bin or container for the storage of recyclable materials.

§ 1401-03-R6. Recycling Enclosure.

"Recycling enclosure" means a space allocated for collecting and loading recyclable materials, capable of accommodating containers for recycling materials.

§ 1401-03-R7 Religious Assembly.

"Religious assembly" means an establishment for religious worship and other religious ceremonies with incidental religious education, rectories and parsonages, offices, social services, columbaria and community programs.

§ 1401-03-R8. Research and Development.

"Research and development" means an establishment primarily engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components.

§ 1401-03-R9. Residential Care Facility.

"Residential care facility" means an establishment operated for the purpose of providing special care or rehabilitation to the occupants, including the following:

- (a) ***Assisted living.*** See § 1401-03-A11.
- (b) Developmental disability dwelling. See § 1401-03-D5.
- (c) ***Nursing home.*** See § 1401-03-N2.

§ 1401-03-R10. Residential District.

"Residential district" means a district denoted by the letters SF or RM.

§ 1401-03-R11. Restaurant, Full Service.

See § 1401-03-E1(b).

§ 1401-03-R12. Restaurant, Limited.

See § 1401-03-E1(c)

§ 1401-03-R13. Retail Sales.

"Retail sales" means an establishment engaged in sales of goods, including, but not limited to: alcoholic beverage sales, furniture and home furnishings, electronics and appliances, clothing and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationery, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

§ 1401-03-R14. Rooming House.

"Rooming house" means a building containing three or more rooming units not offering nursing or dietary care, therapy or counseling for its occupants. (See § 1401-03-R15. Rooming Unit)

§ 1401-03-R15. Rooming Unit.

“Rooming unit” means a room available for rental occupancy for periods of seven days or longer but not equipped with a kitchen facility so as to constitute a dwelling unit.

§ 1401-03-R16. Rowhouse Building.

“Rowhouse building” means a building containing two or more single-family townhouses, each rowhouse being separated from the adjoining rowhouse in each story by fire resistive walls without openings and each rowhouse having independent access to the exterior of the building in the ground story.

§ 1401-03-R17. Rowhouse, Single-Family.

“Single-family rowhouse” means a dwelling unit on its own lot that is part of a rowhouse building.

§ 1401-03-S. School.

“School” means a facility for educational purposes that offers a general course of study at primary, middle, or high school levels, and vocational and trade programs that are incidental to the operation of such schools.

§ 1401-03-S1. Screening.

“Screening” means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

§ 1401-03-S2. Semi-Public Use.

“Semi-public use” means a use owned or operated by a non-profit agency, private institution, or foundation.

§ 1401-03-S3. Setback Line.

“Setback line” means the lot line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

§ 1401-03-S4. Sexually Oriented Business.

“Sexually oriented business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, or adult entertainment out-call service in the form of semi-nude dancing or exhibition, adult motion picture theater,

adult theater, semi-nude model studio, or sexual establishment as further defined in Chapter 899 of the Municipal Code.

§ 1401-03-S5. Shared Housing for the Elderly.

“Shared housing for the elderly” means a residence for not more than ten adults, the majority of whom are 60 years of age or older, either cooperatively established by the residents or under the sponsorship of a non-profit organization; provided that the residents are living together as a family, are all capable of self-preservation without assistance in the event of an emergency and do not require the service or care provided by an adult foster care facility.

§ 1401-03-S6. Shopping Center.

“Shopping center” means a group of buildings and accessory space devoted to permitted uses under one ownership with separate establishments rented or leased, having common parking facilities for all establishments, with no lot lines drawn between establishments.

§ 1401-03-S7. Side Lot Line.

“Side lot line” means a lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

§ 1401-03-S8. Side Yard.

“Side yard” means the area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.

§ 1401-03-S9. Single-Family Dwelling.

“Single-family dwelling” means a freestanding building designed for occupancy by one family.

§ 1401-03-S10. Site.

“Site” means a lot or group of lots that is proposed for development in accord with the provisions of this Code and is in a single ownership or under unified control.

§ 1401-03-S11. Special Assistance Shelter.

“Special assistance shelter” means a facility for the short-term housing for individuals who are homeless and who may require special services.

§ 1401-03-S12. Street.

"Street" means a public or private right-of-way 21 feet or more in width whose primary function is to furnish the chief means or access to properties abutting it.

§ 1401-03-S13. Street Side Lot Line.

"Street side lot line" means a lot line dividing a lot from an abutting street, private way or alley way.

§ 1401-03-S14. Structure.

"Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground.

§ 1401-03-S15. Sub-Minimum Lot.

"Sub-minimum lot" means a lot not complying with the lot area requirements of the district but with the provisions of § 1421-09; or a lot complying with the lot area requirements but not with the lot width requirements of the district.

§ 1401-03-S16. Substitution.

"Substitution" means the replacement of an existing use by a new use, or a change in the nature of an existing use. It does not include a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

§ 1401-03-T. Transitional Housing.

"Transition housing" means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which:

- (a) An organization provides a program of therapy, counseling or training for the residential occupants;
- (b) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and
- (c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:
 - (1) Protection from abuse and neglect;

- (2) Developing skills necessary to adjust to life;
- (3) Adjusting to living with the handicaps of physical disability;
- (4) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;
- (5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or
- (6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

§ 1401-03-T1. Transportation Facility.

"Transportation facility" means:

- (a) **Airports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage buildings, public terminal buildings and parking, helicopter pads and support activities such as airport operations and air traffic control.
- (b) **Heliports.** Facilities intended solely for takeoff and landing of helicopters.
- (c) **Railroad, right-of-way.** Railroad land used for through tracks. Railroad, train yard uses are prohibited.
- (d) **Railroad, train yard.** Railroad areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.
- (e) **Transportation passenger terminals.** Facilities for passenger transportation operations which includes rail stations, bus terminals, urban and regional transit stations and scenic and sightseeing facilities, but does not include airports and heliports.

§ 1401-03-T2. Truck Terminal and Warehouse.

"Truck terminal and warehouse" means a facility for the storage of commercial goods within an enclosed building for distribution by truck. This includes bulk mail handling facilities.

§ 1401-03-T3. Two-Family Dwelling.

"Two-family dwelling" means single building that contains two dwelling units.

§ 1401-03-V. Vacant.

"Vacant" means unoccupied land or structure or part thereof.

§ 1401-03-V1. Vehicle and Equipment Sales and Rental.

"Vehicle and equipment sales and rental" means a facility for the sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, motor homes and RV's, boats and similar equipment, including storage and incidental maintenance.

§ 1401-03-V2. Vehicle and Equipment Services.

"Vehicle and equipment services" means a facility for:

- (a) Vehicle and equipment sales and rental. See § 1401-03-V1.
- (b) Car wash. See § 1401-03-C
- (c) Fuel sales. See § 1401-03-F12.
- (d) Vehicle repair. See § 1401-03-V3.
- (e) Automobile holding facility. See § 1401-03-A13.

§ 1401-03-V3. Vehicle Repair.

"Vehicle repair" means an establishment engaged in repair of automobiles, trucks, motorcycles, motor homes or recreational vehicles, or boats, including the sale, installation and servicing of related equipment and parts including quick-service oil, tire sales and installation, tune-up, brake and muffler shops. This classification includes auto repair shops, body and fender shops and upholstery shops, but excludes vehicle dismantling or salvage and tire re-treading or recapping, towing or repair of heavy trucks or construction vehicles.

§ 1401-03-V4. Vending Machine.

"Vending machine" means a self-service container, structure, storage unit or other device for dispensing consumable food products and goods. This definition excludes newsracks of publications and printed material.

§ 1401-03-W. Warehousing and Storage.

"Warehousing and storage" means a facility for the storage and distribution personal property without sales to the public, including:

- (a) **Contractor's storage.** See § 1401-03-C15.
- (b) **Indoor storage.** See § 1401-03-I2.
- (c) **Oil and gas storage.** See § 1401-03-O2.
- (d) **Outdoor storage.** See § 1401-03-O6.

§ 1401-03-W1. Waste Management.

"Waste management" means any of the following:

- (a) **Waste collection.** Facilities where waste material, other than hazardous or infectious waste, is received and temporarily stored in closed containers without processing or disposition, including but not limited to: recycling drop-off point, yard waste depot, charitable drive box and other similar uses limited in volume and means of storage and posing no nuisance by reason of odor, noise, runoff, underground seepage, or unsightly conditions.
- (b) **Waste disposal.** Facilities where waste material, including hazardous or infectious waste, is incinerated, land filled, or put to other final disposition.
- (c) **Waste transfer.** Facilities where waste material, other than hazardous or infectious waste, is received and processed for transportation to another place for recycling, re-use, incineration, or final disposal, including but not limited to: biological treatment facility, composting yard, resource recovery facility, recycling center, buy-back center, tire shredding facility, tire recycling facility, refuse-derived fuel manufacturing facility, transfer station and other similar uses posing a moderate environmental nuisance that is limited by the volume and type of material processed, or the characteristics of the equipment or methods used to process the waste material.

§ 1401-03-W2. Watercraft and Riverfront Facility.

"Watercraft and riverfront facility" includes any of the following:

- (a) **Barge terminal.** See § 1401-03-B1.
- (b) **Boat and ship yards.** See § 1401-03-B6.
- (c) **Commercial pier and port.** See § 1401-03-C8.
- (d) **Marina.** See § 1401-03-M1.

(e) Marine sales and service. See § 1401-03-M2.

§ 1401-03-W3. Wholesaling and Distribution.

“Wholesaling and distribution” means a facility for storage and wholesale distribution of merchandise and bulk goods and non-retail-store sales, including electronic shopping, mail-order houses and other direct-selling establishments. This use classification excludes retail sale of goods at discount prices for individual consumption.

§ 1401-03-W4. Wireless Communication Antenna.

“Wireless communication antenna” means an antenna designed to transmit or receive communications as authorized by the Federal Communication Commission, excluding amateur radio operator antennae and parabolic antennae.

§ 1401-03-W5. Wireless Communication Tower.

“Wireless communication tower” means a structure that elevates the wireless communication antenna and may include accessory transmission and receiving equipment, including, but not limited to, self-supporting lattice, guyed, or monopole towers.

§ 1401-03-W6. Wireless Equipment Shelter or Cabinet.

“Wireless equipment shelter or equipment cabinet” means a facility for housing equipment used by telecommunications providers to house equipment at a facility.

§ 1401-03-Y. Yard.

“Yard” means the area between the building and any lot line, including a front yard, side yard, corner side yard, or rear yard.

§ 1401-03-Y1. Yard, Front.

See § 1401-03-F10.

§ 1401-03-Y2. Yard, Rear.

See § 1401-03-R1.

§ 1401-03-Y3. Yard, Side.

See § 1401-03-S8.